

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

MERTON VIRGIL SMITH, JR., :  
Petitioner :  
: :  
v. : CIVIL NO. 1:11-CV-1943  
: :  
MICHAEL W. HARLOW, et al., :  
Respondents :  
:

*O R D E R*

AND NOW, this 17th day of January, 2012, upon consideration of the report and recommendation of the magistrate judge (Doc. 9), filed December 20, 2011, to which no objections were filed, and upon independent review of the record, it is ordered that:

1. The magistrate judge's report is adopted.
2. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is dismissed.
3. The Clerk of Court shall close this file.
4. A certificate of appealability is denied.

/s/ William W. Caldwell  
William W. Caldwell  
United States District Judge